

Appln. No. 10/680,917
Amdt. dated August 2, 2005
Reply to Office action dated May 3, 2005

REMARKS/ARGUMENTS

In the specification, the listed paragraphs have been amended to correct minor editorial problems. Claims 1 and 16 have been amended and claims 2-15 and 17-21 have been canceled. Claim 22 has been added (it should be noted that according to the undersigned's application copy, the claim numbering was incorrect in that two claims were numbered 16. The undersigned has assumed that examiner corrected the second claim numbered 16 to read 17 and the remaining claims then numbered in sequence, the total claims initially presented thus being 21 and corresponding to examiner's count).

The rejection of claim 1 under 35 U.S.C.102(b) as being anticipated by Stark, III et al is traversed for the reasons to follow. Claim 1 has been extensively amended and now sets forth in more detail how the circuit board protrusions fit into openings formed in the end caps to accurately position the circuit board within the tube sheath. Notwithstanding examiner's comments, the board shown in Stark is not designed to have protrusions extending into holes formed in both end caps so that the circuit board is properly positioned within the tubular sheath. Further, each end cap has at least one terminal for connecting to an electrical power source.

It is clear under the patent law that in order to reject claims as being anticipated by a prior art reference under 35 U.S.C. § 102, every element and limitation of the claimed invention must be found in a single prior art reference (see Brown v. 3M, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001). Since Stark does not show the feature wherein the circuit board protrusions are inserted into holes formed in the both end caps and, further,

since Stark does not disclose that both end caps here at least one terminal for connecting to an electrical power source, this rejection should be withdrawn.

The rejections of claim 17(16?) under 35 U.S.C.103 as being unpatentable in view of Stark is traversed for the reasons to follow. In particular, having a modular array of LEDs is more than “duplication of essential working parts of a device” but enables the replacement or removal of one or more arrays depending upon a user’s requirements, thus allowing a manufacturer to easily design a lamp to meet the lighting and power requirements of the user.

In Princeton Biochemicals, Inc. v. Beckman Coulter, Inc., 75 U.S.P.Q.2d 1051 (Fed. Cir. 2005), the Court reiterated the standard regarding obviousness rejections under 35 U.S.C. § 103. In particular, the Court noted that a reference used in a obviousness rejection must show some motivation or suggestion to make the new combination, also citing In re Rouffet, 47 USPQ2d 1453 (Fed. Cir. 1998). It is clear that the Stark et al reference cited by the examiner does not motivate or suggest to someone skilled in the art that they can use the elements of the Stark reference to make applicant’s claimed invention obvious without the use of hindsight.

The undersigned brings to the attention of the examiner two publications that are relevant to applicant’s claimed invention (see enclosed Information Disclosure Statement by Applicant). In particular, Publication No. US 2003/0102 810 and US 2004/0062 041 (a divisional of the ‘810 publication) both disclose a LED light tube an elongated cylindrical transparent envelope, base caps at each end of the envelope and LED devices in electrical communications with the base cap. Neither publication discloses that the circuit board has protrusions which extend into holes formed in both base (or end) caps as is set forth in amended claim 1. Further, the publications do not disclose that the LEDs can be mounted as

arrays within the envelope as set forth in dependent claim 16 and newly added dependent claim 22.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'I. Keschner', with a long horizontal flourish extending to the right.

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